

### Remarks

Currently Claims 1-8, 10-13, 16-24 and 41-43 are pending.

Claims 1, 16, 18-19 and 41 are amended. Support for the amendment to claim 1 can be found throughout Applicants' specification including for instance at page 14 lines 18-20, in the original claims and in the examples.

New claims 42 and 43 are added. Support for these claims may be found throughout Applicants' specification including for instance at pages 14-22 and the examples, for instance at page 14, lines 18-20, page 15, lines 1-7, examples 23-34 and 98-103. No new matter is added.

Applicants address each of the rejections below, in the order in which they are presented in the Office Action.

### Claim Rejections Have Been Addressed

#### **35 U.S.C. 102**

Claims 1-10 were rejected under 35 U.S.C. 102(b) as being anticipated by Sato *et al.* (JP11263775A, 09/28/1999). Applicants respectfully submit that this rejection is moot in light of the amendments to claims 1 and 9. Applicants respectfully request that this rejection be withdrawn.

Claims 1-7, 9, 11 and 13-15 were rejected under 35 U.S.C. 102(e) as being anticipated by Bauer *et al.* (US Patent 7,034,046). Applicants respectfully submit that this rejection is moot in light of the amendments to claims 1 and 9. Applicants respectfully request that this rejection be withdrawn.

#### **35 U.S.C. 112, 1<sup>st</sup> Paragraph**

Claims 1 and 41 were rejected under 35 U.S.C. 112, first paragraph, because "the specification does not reasonably provide enablement for 'physiological functional derivatives thereof'." Applicants respectfully submit that this rejection is moot in light of the amendments to claims 1 and 41. Applicants respectfully request that this rejection be withdrawn.

Claims 15, 16, 18 and 19 were rejected under 35 U.S.C. 112, first paragraph. Claim 15 is cancelled. Applicants respectfully submit that this rejection is moot in light of the amendments to claims 16 and 18. Applicants respectfully submit that the Patent Office has failed to establish that Claim 19 is not enabled for a method of treatment of organ fibrosis. The Patent Office has not established that any experimentation needed to practice the invention is undue. The discussion of the factors described in *In re Wands*, 858 F.2d, 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1998), focuses only on the rejection for "prophylaxis of any conditions medicated by FXR in a subject." Applicants respectfully request that this rejection be withdrawn.

#### Claim Objections

Claims 12, 17 and 20-24 were objected to as being dependent upon rejected base claim 1. Applicants respectfully submit that this objection is moot in light of the amendment to claim 1. Applicants respectfully request that this objection be withdrawn.

Claim 13 was objected to because the Office Action claims that the composition consists only of a compound of claim 1. Applicants respectfully submit that this objection is moot in light of the amendment to claim 13. Applicants respectfully request that this objection be withdrawn.

Applicant respectfully submits that the present application is in condition for allowance. The Examiner is invited to contact the undersigned at 919-483-1891, to discuss this case further if desired.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, and any necessary extension of time fees to Deposit Account No. 07-1392.

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Respectfully submitted,



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